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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,998	02/06/2004	James R. Hernandez	51916/RVW/S813	8404
23363	7590	05/23/2006	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			GALL, LLOYD A	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	
			3676	

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/773,998

Applicant(s)

HERNANDEZ ET AL.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The written description must provide support for the "shoulder" of the bolt guide (claims 12 and 22) and the opening of the housing assembly (claims 15 and 24).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-10, 14, 16, 18-20 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by LaConte et al.

LaConte teaches a lock assembly including a deadbolt assembly 25, 26 having a deadbolt 54 movable between locked and unlocked positions, a first rotatable lock actuating means 14 removably connected at slot 74 to the deadbolt, a second rotatable lock actuating means including a first handle 58 cooperable with the slot 74 of the cam 30, 28, the slot 74 defined by protrusions on the sides of the slot 74 of the first lock actuating means, and the second lock actuating means including an arm 57 cooperable with the slot 74 of the cam, and an override handle 60 having a notch 68 cooperable with a protrusion 66 on the cover plate 64, 66 to laterally move the second lock

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actuating means handle 58 laterally away from the cover plate and to disengage the arm 57 from the slot 74 to define a lockout position to disable the first lock actuating means 14.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 12, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaConte et al in view of Takimoto or Saino.

Takimoto teaches a deadbolt 4 biased to an unlocked position by a spring 6 cooperable between shoulders (the left side of the housing 3) and a shoulder 5 on the bolt. Saino teaches a deadbolt 29 biased to an unlocked position by a spring 41 cooperable with shoulders 45 and 35 on the housing and bolt. It would have been obvious to modify the deadbolt and its housing of LaConte such that the deadbolt is biased to its unlocked position by a spring and shoulders, in view of the teaching of Takimoto or Saino, the motivation being to prevent inadvertent locking of a door in an emergency.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaConte et al in view of Saino as applied to claim 11 above, and further in view of Russo.

The shoulder 45 of Saino is in the form of a ring in the housing 51. Russo teaches a snap ring 99 used with a groove 96 of a bolt housing. It would have been obvious to substitute a snap ring for the ring 45 of Saino for use with the lock of LaConte, in view of

the teaching of Russo, the motivation being to simplify assembly of the ring in the housing.

Claims 15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaConte in view of Russell et al (233).

Russell teaches a housing 10 for a lock having a nut 28 cooperable adjacent a snap ring 32 for use with an opening 26 and a groove 43, 44 of the housing. It would have been obvious to modify the lock 14 of the first actuating means 14 of LaConte to include a lock cylinder cooperable with an opening and groove of the housing, and a nut and snap ring, in view of the teaching of Russell et al, the motivation being to simplify assembly of the first actuating means 14, 16 of LaConte, and to transfer force applied to the first actuating means to the housing 16, to prevent tampering with the lock assembly.

Applicant's arguments filed March 6, 2006 have been fully considered but they are not persuasive. In response to applicant's remarks in the second full paragraph of page 7, line 4, it is noted that the "shoulder" referred to by applicant is the shoulder of the "shoulder" of the deadbolt, and not the shoulder of the bolt guide opening which is being claimed. Also, the "opening" is not referred to in the written description, even though it may be shown in fig. 6. The shoulder of the bolt guide opening and the opening of the housing should have such terminology provided in the written specification.

In response to applicant's remarks on page 7, line 8, it is noted that LaConte teaches the first and second lock actuating means being connectable together, as set

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forth in the description in column 4, lines 1-19. The remarks on page 7, lines 11-12 are vague, as the separate flanges and grooves are not discussed in detail as to what parts are being referred to. Further, in response to the remarks on page 7, lines 12-14, it is not clear what three pieces and two pieces are being referred to by applicant, and it is noted that first and second "actuating means" is being claimed. Accordingly, the number of pieces referred to by applicant does not preclude the use of LaConte in teaching first and second actuating means.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

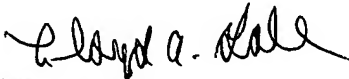
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LG LG  
May 22, 2006

  
Lloyd A. Galli  
Primary Examiner